Note to reader: **Bold and underlined text shows new material;** TEXT IN ALL CAPITAL LETTERS SHOWS TEXT IS TO BE DELETED.

2 AAC 07.368(e) is amended to read:

(e) The pay increment eligibility date must be moved one month later for each 23 days of leave without pay in a **leave** year [BEGINNING DECEMBER 16 AND ENDING THE FOLLOWING DECEMBER 15] unless leave without pay is for a furlough under 2 AAC 07.407 or as otherwise provided under state or federal law. For part-time or seasonal employees, the difference between the time worked of the part-time or seasonal employees and that of a fulltime employee is considered to be leave without pay for purposes of establishing the pay increment eligibility date under this section and AS 39.27.011(h). (Eff. 7/16/2008, Register 187; am 7/4/2010, Register 196; am__/__/__, Register____)

Authority: AS 39.25.070 AS 39.25.150 AS 39.27.011
AS 39.25.140

2 AAC 07.405 (a) is amended to read:

(a) An appointing authority may lay off an employee in the classified service if the employee holds a substitute appointment, if a position is abolished, if there is a shortage of work or money, or for other reasons outside the employee's control. A layoff does not reflect discredit on the service of the employee. The name of a laid-off former employee must be placed on the appropriate layoff list and may remain on it for a period of up to three years. The name of a laid-off former employee may be removed from the layoff list for any reason that an applicant would be disqualified [, IF THE EMPLOYEE'S APPLICATION FOR A REFUND OF RETIREMENT

CONTRIBUTIONS FROM THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (AS 39.35) OR THE TEACHER RETIREMENT SYSTEM (AS 14.25)]. If an employee resigns or retires, the laid-off former employee is considered to have separated without prejudice at the time of the layoff.

(In effect before. 6/28/84; am 6/28/84, Register 91; am 8/19/93, Register 135; am 9/28/96, Register 143; am 8/31/2000, Register 156; am 7/22/2004, Register 175; am__/__/__, Register____)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 08.050(e) is repealed.

(e) Repealed __/__/__.[A STATE EMPLOYEE WHO IS ELIGIBLE FOR FAMILY AND HEALTH LEAVE UNDER AS 39.20.305 MAY TAKE LEAVE DUE TO A SERIOUS HEALTH CONDITION OF A SAME-SEX PARTNER IF THE EMPLOYEE AND SAME SEX PARTNER MEET THE REQUIREMENTS UNDER(f) OF THIS SECTION.]

2 AAC 08.050(f) is repealed.

(f) Repealed __/___/___.[IN ORDER TO TAKE FAMILY AND HEALTH LEAVE UNDER AS 39.20.305 DUE TO A SERIOUS HEALTH CONDITION OF A SAME-SEX PARTNER, THE ELIGIBLE EMPLOYEE SHALL FILE WITH THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PERSONNEL AND LABOR RELATIONS, AN AFFIDAVIT EXECUTED BY THE EMPLOYEE AND SAME-SEX PARTNER DECLARING UNDER PENALTY OF PERJURY THAT THEY

(1) ARE AT LEAST 18 YEARS OLD AND ARE EACH COMPETENT TO ENTER INTO A CONTRACT;

(2) HAVE BEEN IN AN EXCLUSIVE, COMMITTED, AND INTIMATE RELATIONSHIP WITH EACH OTHER FOR THE LAST CONSECUTIVE 12 MONTHS AND INTEND TO CONTINUE THAT RELATIONSHIP INDEFINITELY;

(3) HAVE RESIDED TOGETHER AT A COMMON PRIMARY RESIDENCE FOR THE LAST 12 CONSECUTIVE MONTHS AND INTEND TO RESIDE TOGETHER INDEFINITELY;

(4) CONSIDER THEMSELVES TO BE MEMBERS OF EACH OTHER'S IMMEDIATE FAMILY;

(5) ARE NOT RELATED TO EACH OTHER TO A DEGREE OF CLOSENESS THAT WOULD PRECLUDE THEM FROM MARRYING EACH OTHER IN THIS STATE IF THEY WERE OF THE OPPOSITE SEX FROM EACH OTHER;

(6) ARE NEITHER ONE OF THEM LEGALLY MARRIED TO ANYONE ELSE;

(7) HAVE NOT EXECUTED AN AFFIDAVIT AFFIRMING SAME-SEX PARTNER STATUS WITH ANYONE ELSE WITHIN THE LAST 12 MONTHS;

(8) ARE EACH OTHER'S SOLE DOMESTIC PARTNER AND ARE EACH RESPONSIBLE FOR THE COMMON WELFARE OF THE OTHER; AND

(9) SHARE FINANCIAL OBLIGATIONS, INCLUDING JOINT RESPONSIBILITY FOR BASIC LIVING EXPENSES AND HEALTH CARE COSTS.]

2 AAC 08.050(g) is repealed:

(g) Repealed ___/___/___.[IN ORDER TO BE ELIGIBLE TO TAKE FAMILY LEAVE UNDER AS 39.20.305 DUE TO A SERIOUS HEALTH CONDITION OF A SAME-SEX PARTNER AND UPON THE REQUEST OF THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PERSONNEL AND LABOR RELATIONS, THE ELIGIBLE EMPLOYEE SHALL PROVIDE DOCUMENTATION ESTABLISHING THAT THE EMPLOYEE AND SAME-SEX PARTNER MEET AT LEAST FIVE OF THE FOLLOWING CRITERIA:

(1) JOINT INTEREST IN REAL PROPERTY, AS EVIDENCED BY TITLE OR MORTGAGE, LEASE, OR RENTAL AGREEMENT, BY THE EMPLOYEE AND THE SAME-SEX PARTNER;

(2) JOINT OWNERSHIP OR PURCHASE OF A MOTOR VEHICLE BY THE EMPLOYEE AND THE SAME-SEX PARTNER;

(3) JOINT OWNERSHIP OF A CHECKING, SAVINGS, OR INVESTMENT ACCOUNT OR JOINT LIABILITY FOR A LOAN OR CREDIT ACCOUNT BY THE EMPLOYEE AND THE SAME-SEX PARTNER;

(4) THE SAME-SEX PARTNER IS NAMED AS PRIMARY BENEFICIARY FOR A LIFE INSURANCE POLICY OF THE EMPLOYEE;

(5) THE SAME-SEX PARTNER IS NAMED AS PRIMARY BENEFICIARY FOR THE EMPLOYEE'S PENSION OR ANNUITY PLAN BENEFITS, DEFERRED COMPENSATION PLAN, INDIVIDUAL RETIREMENT ARRANGEMENT OR ACCOUNT, 401(k) PLAN, KEOGH PLAN, OR OTHER TAX-DEFERRED OR TAXABLE PLAN;

(6) THE SAME-SEX PARTNER IS NAMED AS PRIMARY BENEFICIARY IN THE EMPLOYEE'S WILL;

(7) THE SAME-SEX PARTNER HAS AUTHORITY TO DEAL WITH PROPERTY OWNED BY THE EMPLOYEE UNDER A VALID WRITTEN POWER OF ATTORNEY;

(8) THE EMPLOYEE HAS GIVEN THE SAME-SEX PARTNER WRITTEN AUTHORITY TO MAKE DECISIONS CONCERNING THE EMPLOYEE'S HEALTH AND WELL BEING IF THE EMPLOYEE IS UNABLE TO DO SO.]

2 AAC 08.050(h) is repealed:

(h) Repealed ___/___/___. [AN EMPLOYEE WHO SUBMITS AN AFFIDAVIT UNDER THIS SECTION MUST AGREE THAT, IF THE EMPLOYEE AND SAME-SEX PARTNER NO LONGER MEET THE REQUIREMENTS OF THIS SECTION, THE EMPLOYEE WILL FILE WITH THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PERSONNEL AND LABOR RELATIONS, A WRITTEN STATEMENT OF TERMINATION OF ELIGIBILITY WITHIN 30 DAYS OF THE DATE THAT ELIGIBILITY ENDS. ELIGIBILITY TERMINATES ON MIDNIGHT OF THE DATE THAT ELIGIBILITY ENDS AS DECLARED IN WRITING BY THE EMPLOYEE OR WHEN THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PERSONNEL AND LABOR RELATIONS DETERMINES THAT THE EMPLOYEE NO LONGER QUALIFIES UNDER THE CRITERION SET OUT IN (f) AND (g) OF THIS SECTION.]

2 AAC 08.050(i) is repealed:

(i) Repealed ___/__/___. [IN THIS SECTION, "RESIDED TOGETHER AT A COMMON PRIMARY RESIDENCE" REQUIRES THE EMPLOYEE AND THE EMPLOYEE'S SAME-SEX PARTNER TO SHARE THE SAME DOMICILE. THE

COMMON PRIMARY RESIDENCE CAN CHANGE DURING THE 12-MONTH PERIOD SET OUT IN (F)(3) OF THIS SECTION. ONCE AN EMPLOYEE AND SAME-SEX PARTNER HAVE BEGUN TO RESIDE TOGETHER AT A COMMON PRIMARY RESIDENCE, ABSENCE BY THE EMPLOYEE OR THE SAME-SEX PARTNER REQUIRED FOR EMPLOYMENT THAT REQUIRES PERIODIC ABSENCE FROM THE COMMON PRIMARY RESIDENCE, EDUCATION, MEDICAL REASONS, MILITARY SERVICE, OR OTHER REASONS DETERMINED BY THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PERSONNEL AND LABOR RELATIONS, WILL NOT RESULT IN A BREAK IN ELIGIBILITY, AS LONG AS THE ABSENT EMPLOYEE OR SAME-SEX PARTNERS INTENDS TO RETURN TO THE COMMON PRIMARY RESIDENCE.] (Eff. 6/28/94, Register 91; am 7/25/94, Register 137; am 8/29/96, Register 143; am 10/19/13, Register 208; am ___/___/___, Register ____)

Authority: AS 39.20.225 **AS 39.20.305** AS 39.20.320

AS 39.20.256

Editor's note: Even though 2 AAC 08.050 (e), (f), (g), (h), and (i), repealed as of ___/__/___ , were effective October 11, 2013, and would have appeared in Register 208, the regulations were not prepared for publication and were not printed in the Alaska Administrative Code.

2 AAC 08.999 (a) (4) is amended to read:

(a) (4) leave year" means the period from the [16th OF DECEMBER THROUGH THE 15th OF DECEMBER OF THE FOLLOWING YEAR] **January 1 through December 31** and includes the 12-month period described in AS 39.20.295;

2 AAC 08.999(c) is amended to read:

(c) For purposes of AS 39.20.225, "immediate family" means **spouse** [HUSBAND, WIFE, SAME-SEX PARTNERS WHO MEET THE REQUIREMENTS UNDER 2 AAC 08.050(e)]**,** child, father, mother, sister, brother, father-in-law, and mother-in-law. (In effect before 6/28/84, am 6/28/84, Register 91; am 10/16/87, Register 107; am 5/16/90, Register 132; am 10/18/90, Register 137; am 10/11/13, Register 208; am ___/___/__, Register ____)

Authority: AS 39.20.295 AS 39.20.320

Editor's note: Although an amendment to 2 AAC 08.999(c) was effective October 11, 2013, and would have appeared in Register 208,, the amended version of 2 AAC 08.999(c) was not prepared for publication and was not printed in the Alaska Administrative Code.

2 AAC 08.062 (e) is amended to read:

(e) If on [DECEMBER 16] **the first day** of the leave year, an employee has accumulated balance of more than 1000 hours, the difference between the employee's personal leave balance and 1000 hours shall be deducted from the employee's personal leave account and paid to the employee at the cash value except that the requirements of 2 AAC 08.060(c) continue to apply.

2 AAC 08.062 (f) is amended to read:

(f) This subsection only applies to an employee who [HAS] **had** a balance of accumulated personal leave in excess of 400 hours on December 16, 2013. Each employee shall, until that balance becomes 400 hours or less on [DECEMBER 16] **the first day** of any subsequent leave year,

(1) be exempt from the limitation under (b) **and (c)** of this section; and

(2) take at least 15 days of personal leave during each leave year in place of the 10 days under 2 AAC 08.060. (Eff. 12/16/2013, Register 209 __/__/___, Register ___)

Authority: AS 39.20.200 AS 39.20.225 AS 39.20.320